
POLICY

Residential juvenile justice facilities providing educational services must appoint a surrogate parent when the parent(s)/legal guardian cannot be located after a diligent search and the youth may be eligible for special education services.

PURPOSE

To ensure the interests of any youth who may be eligible for special education services are protected by a qualified person designated to act on the behalf of the youth. To provide guidance for recruitment and appointment of surrogate parents.

DEFINITIONS

See [JRG, JJ Residential Glossary](#).

RESPONSIBLE PARTY

Facility director or designee.

PROCEDURE

Each facility providing on-site educational services must develop and implement a written procedure relating to the appointment and training of a surrogate parent. The procedure must contain the following requirements:

Surrogate Parent Appointment

The facility director or designee must appoint a surrogate parent in writing when facility staff identify a youth less than 18 years of age who may need special education services and the parent(s)/legal guardian cannot be located.

Note: The parent(s)/legal guardian may be considered unable to be located after the facility has devoted at least 15 days to contact the parent(s)/legal guardian by telephone, certified mail, or personal visit.

The facility director or designee's appointment letter must identify the youth to be represented and indicate the projected period of service.

Note: A surrogate parent may be appointed for a definite period of time or for a special purpose. It is desirable that the same surrogate parent represents the youth for the duration of the youth's stay at the facility. Surrogate parent appointments automatically terminate when the youth reaches 18 years of age, upon facility release, or when the youth is determined ineligible for special education services.

The facility director or designee must notify the surrogate parent and the youth in writing when a surrogate parent appointment is terminated including the reason for termination. This requirement includes cases where the appointment is for a set period of time or when the appointment is subject to automatic termination.

Surrogate Parent Screening and Training

The facility director or designee must conduct the same initial and annual screening checks of potential surrogate parents as for any volunteer; see [JRM 100, Screening & Ongoing Checks for Staff](#). Surrogate parents must also be screened for potential conflicts of interest that would hinder or prevent them from acting in the best interests of the child.

Note: DHS employees may not serve as surrogate parents.

The Bureau of Juvenile Justice special education consultant must provide the required surrogate parent training including:

- Development and educational needs of children.
- Educational rights of children having disabilities.
- Special education statutes and rules.
- DHS policy relating to treatment, security and related issues.

Prior to assuming youth supervisory duties, the facility director or designee must ensure that prospective surrogate parents receive specific facility training for volunteers.

List of Trained Surrogates

The facility director or designee must maintain a current list of trained surrogate parents including their name, address, phone number, starting date, and dates of initial and most recent training. The facility director or designee must forward updated copies of the list to the education unit.

Conflicts

If there is a question regarding the need for a surrogate parent or relating to the appointment, the facility director or designee must attempt to resolve the question by meeting with the individual raising the question. If this conflict cannot be resolved within 10 days and affects pending education or service matters, the facility director or designee must contact the special education consultant to resolve the conflict.

AUTHORITY

Individuals With Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.